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SUBJECT: AZAD GOVERNMENT OF JAMMU AND KASHMIR: INTERIM
CONSTITUTION APPROVED

REF: ISLAMABAD 5728; A-97, JUNE 20, 1974

SUMMARY: AZAD KASHMIR LEGISLATIVE ASSEMBLY HAS APPROVED INTERIM
CONSTITUTION, PROVIDING FOR ESTABLISHMENT OF PARLIAMENTARY GOVERN-
MENT AND CREATION OF JOIN PAKISTAN-AK COUNCIL. CHANGES ACCORD
WITH GOP WISHES THAT AK GOVERNMENT RESEMBLE GOP. GOP INFLUENCE
WILL BE EXERTED THROUGH JOINT COUNCIL. GOP SENSITIVE TO
CHARGES THAT NEW SETUP REPRESENTS ANY CHANGE IN INTERNATIONAL
STATUS OF AZAD KASHMIR. ALTHOUGH MEASURES CALCULATED EXTEND
GOP INFLUENCE, PRESENTLY DIFFICULT TO PREDICT HOW EFFECTIVE
INSTRUMENT JOINT COUNCIL WILL BE. END SUMMARY.

1. AZAD KASHMIR LEGISLATIVE ASSEMBLY AUGUST 24 UNANIMOUSLY
APPROVED INTERIM CONSTITUTION PROVIDING FOR ESTABLISHMENT OF
PARLIAMENTARY SYSTEM OF GOVERNMENT; INCREASE IN NUMBER OF
ASSEMBLY SEATS; AND CREATION OF JOINT PAKISTAN-AK COUNCIL.
FOLLOWING DAY TWO-THIRDS MAJORITY OF ASSEMBLY APPROVED BILL
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PROVIDING FOR DIRECT ELECTION OF PRESIDENT. MOST ASPECTS

OF CONSTITUTION IDENTICAL WITH THOSE PROPOSED JUNE 10 BY FEDERAL MINISTER FOR LAW AND PARLIAMENTARY AFFAIRS PIRZADA. (REFTEL) HOWEVER, CHOOSING PRESIDENT BY DIRECT ELECTION RATHER THAN INDIRECTLY BY TWO-THIRDS MAJORITY OF ASSEMBLY AS GOP PROPOSED REPRESENTS MINOR VICTORY FOR AK PRESIDENT SARDAR ABDUL QAYYUM.

2. NEW MEASURES PROVIDE FOR CHIEF EXECUTIVE PRIME MINISTER CHOSEN BY SIMPLE MAJORITY OF ASSEMBLY. ADDITION OF 17 SEATS TO ASSEMBLY, INCLUDING TWO INDIRECTLY ELECTED WOMEN, WILL INCREASE STRENGTH TO 42, OF WHICH 12 WILL BE RESERVED FOR KASHMIRIS RESIDENT IN PAKISTAN. THESE PROVISIONS GENERALLY ACCORD WITH GOP WISHES THAT AK SETUP BE SIMILAR TO THAT OF PAKISTAN, AS DOES ESTABLISHMENT OF FIVE YEAR TERMS FOR PRESIDENT, COUNCIL MEMBERS AND LEGISLATORS.

3. FOURTEEN MAN AZAD JAMMU AND KASHMIR COUNCIL WILL CONSIST OF PAK PRIMIN AS CHAIRMAN, AK PRESIDENT AS VICE CHAIRMAN, 15 MEMBERS FROM PAK PARLIAMENT, AK PRIMIN AND 6 MEMBERS FROM AK ELECTED BY AK ASSEMBLY IN ACCORDANCE WITH SYSTEM OR PROPORTIONAL REPRESENTATION. COUNCIL WILL HAVE EXCLUSIVE POWER TO LEGISLATE WITH RESPECT TO MATTERS INCLUDED IN 53 ITEM LEGISLATIVE LIST, SUBJECTS OF WHICH HAVENOT YET MADE PUBLIC. EMBASSY EXPECTS PUBLICATION OF LIST WITHIN FEW DAYS, AND THAT SUBJECTS SUCH AS DEFENSE, PREVIOUSLY RESTING WITH GOP, WILL BE RESERVED TO COUNCIL, WHILE SUBJECTS SUCH AS EDUCATION, FORESTS, ETC, PREVIOUSLY RESPONSIBILITY OF AK, WILL REMAIN WITH AK ASSEMBLY.

4. GOP IN JUNE HAD PROPOSED INDIRECT ELECTION OF PRESIDENT, WHO LIKE PAK PRESIDENT WILL LARGELY BE FIGUREHEAD, BY TWO-THIRDS MAJORITY OF AK LEGISLATURE. ELECTION OF PRIME MINISTER WOULD ALSO HAVE REQUIRED TWO-THIRDS MAJORITY. UNABLE TO COUNT ON MORE THAN SIMPLE MAJORITY IN ASSEMBLY AND FEELING BETTER EQUIPPED THAN FLEDGLING AK PPP TO CONTEST DIRECT PRESIDENTIAL ELECTION, SARDAR QAYYUM OPPOSED BOTH MEASURES. COMPROMISE WHICH RESULTED WAS THRASHED OUT LAST WEEK IN ISLAMABAD MEETING OF AK POLITICAL PARTIES PRESIDED OVER BY LAW MINISTER PIRZADA. NEW FORMULA LEAVES WILY MUSLIM CONFERENCE LEADER SARDAR QAYYUM CHOICE OF TWO GOALS TO PURSUE, LIMITED OFFICIAL USE

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PRIME MINISTER OR PRESIDENT. OBSERVERS, WHO SAY HE NOW CONFERRING WITH PARTY LEADERS ABOUT POSSIBILITIES, FEEL THAT AS MOST POPULAR LEADER IN AK HE WOULD WIN PRESIDENCY IN ELECTIONS WHICH ARE EXPECTED TO BE HELD BEFORE FIRST WEEK OF NOVEMBER. HOWEVER, HIS CHOICE OF FIGUREHEAD ROLE WOULD DOUBTLESS COME ONLY IF AUGURIES OF EXPANDED ASSEMBLY REVEALED HE HAD LITTLE CHANCE AS PRIMIN.

5. GOP REMAINS SENSITIVE TO CHARGES THAT NEW CONSTITUTION REPRESENTS ANY CHANGE IN INTERNATIONAL STATUS OF AZAD KASHMIR OR THAT PAKS PREPARED ACCEPT STATUS QUO. PRIMIN BHUTTO, ADDRESSING AK MUSLIM CONFERENCE MEETING ON AUGUST 16, DECLARED THAT PAKISTAN COMMITTED TO HELP KASHMIRIS ACHIEVE SELF-DETERMINATION IN ACCORDANCE WITH UN RESOLUTION. ARTICLES IN PRESS STRESS THAT IN NEW SETUP NOTHING SHALL DEROGATE FROM RESPONSIBILIZES OF GOP TOWARD JAMU AND KASHMIR UNDER UNCIP RESOLUTIONS. ALSO, TO HELP KEEP HOPE OF PLEBISCITE ALIVE, ONE PROVISION OF CONSTITUTION ENABLES AK PRESIDENT TO APPOINT PLEBISCITE ADVISER.

6. AS DISCUSSED REFERENCES, CHANGES SEEM CALCULATED TO INCREASE GOP INFLUENCE IN AZAD KASHMIR WHILE MINIMIZING FRICTION CAUSED BY PAK BUREAUCRATS DEALING THERE. IMPROVING PROSPECTS OF PEOPLES' PARTY IN COMING ELECTIONS FURTHER REASON FOR BHUTTO GOVERNMENT'S FOSTERING CHANGE. COMPROMISE SETTLEMENT MEANS THAT SARDAR QAYYUM WILL REMAIN ACTIVE POLITICAL FIGURE AND MUST BE COUNTED AS STRONGEST CONTENDER FOR PM'S OR PRESIDENT'S ROLES. UNTIL JOINT COUNCIL LEGISLATIVE LIST IS PUBLICIZED, DIFFICULT TO PREDICT HOW EFFECTIVE AN INSTRUMENT IT WILL BE FOR EXTENDING ALREADY CONSIDERABLE GOP CONTROL OVER AREA.
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